

Montana Water Court
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MONTANA WATER COURT
YELLOWSTONE DIVISION
YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ
SECOND PRELIMINARY DECREE

* * * * *

CLAIMANTS: MT Marian Enterprises; **P A PROSPECT LLC**

OBJECTOR: MT Marian Enterprises

CASE 43QJ-0148-R-2025

43QJ 30138445

43QJ 30138448

NOTICE OF FILING OF MASTER’S REPORT

This Master’s Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You have **13 days** from the service date of the notice of filing of this report to file a written objection or request an extension of the objection period. Rule 23, Water Right Adjudication Rules; Rule 6, Montana Rules of Civil Procedure. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master’s Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master’s Report.

MASTER’S REPORT

MT Marian Enterprises objected to its claims 43QJ 30138445 and 43QJ 30138448. Each of the claims appeared in the Second Preliminary Decree with a remark stating that it appears P A PROSPECT LLC has an ownership interest in each claim. On January 15, 2026, MT Marian

Enterprises filed its Response To Order Setting Filing Deadline [“Response”] addressing its objections and the various remarks. The Response is viewable in the Court’s FullCourt Enterprise case management system.

APPLICABLE LAW

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-222, MCA, or section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect, including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For claim 43QJ 30138445, P A PROSPECT LLC should be added as a co-owner as requested in the Response. The following remark should be added: OWNER MT MARIAN ENTERPRISES RETAINED. CONTRACT FOR DEED INTEREST. The ownership remark which appeared in the Second Preliminary Decree should be removed as having served its notice purpose.

The Second Preliminary Decree also includes the following notice remark on the abstract for this claim:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43QJ DECREE ISSUED 07/23/1985. The remark should be removed as having served its notice purpose.

2. For claim 43QJ 30138448, P A PROSPECT LLC should be added as a co-owner as requested in the Response. The following remark should be added: OWNER MT MARIAN ENTERPRISES RETAINED. CONTRACT FOR DEED INTEREST. The ownership remark which appeared in the Second Preliminary Decree should be removed as having served its notice purpose.

The Second Preliminary Decree includes the following issue remark:

NO QUANTIFIED FLOW RATE HAS BEEN CLAIMED.

The flow rate should be 35.00 GPM. The issue remark should be removed as addressed and

resolved.

The Second Preliminary Decree also includes the following notice remark on the abstract for this claim:

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 43QJ DECREE ISSUED 07/23/1985.

The remark should be removed as having served its notice purpose.

CONCLUSION OF LAW

The Response is sufficient to contradict and overcome the prima facie claims.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Second Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

Service Via Electronic Mail:

Christopher T. Scoones
Scoones Law PLLC
chris@scooneslaw.com
(Atty for: MT Marian Enterprises & P A Prospect LLC)

****Note: Caption Updated 3/3/2026****

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ**

Water Right Number: 43QJ 30138445 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MT MARIAN ENTERPRISES
PO BOX 785
COLUMBUS, MT 59019

P A PROSPECT LLC
PO BOX 785
COLUMBUS, MT 59019

OWNER MT MARIAN ENTERPRISES RETAINED. CONTRACT FOR DEED INTEREST.

Priority Date: FEBRUARY 24, 1917

Type of Historical Right: USE

Purpose (Use): STOCK

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

***Source Name:** SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSE	24	2S	20E	STILLWATER

Period of Diversion: JANUARY 31 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNWSE	24	2S	20E	STILLWATER

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM**

**YELLOWSTONE RIVER, FROM BRIDGER CREEK TO CLARKS FORK YELLOWSTONE
BASIN 43QJ**

Water Right Number: 43QJ 30138448 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: MT MARIAN ENTERPRISES
PO BOX 785
COLUMBUS, MT 59019

P A PROSPECT LLC
PO BOX 785
COLUMBUS, MT 59019

OWNER MT MARIAN ENTERPRISES RETAINED. CONTRACT FOR DEED INTEREST.

***Priority Date:** NOVEMBER 26, 1920

Type of Historical Right: USE

Purpose (Use): STOCK

Flow Rate: 35.00 GPM

***Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCKWATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

***Source Name:** SPRING, UNNAMED TRIBUTARY OF DRY CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SEWNNE	14	2S	20E	STILLWATER

***Period of Diversion:** JANUARY 1 TO DECEMBER 31

Diversion Means: SPRING BOX

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NWNE	14	2S	20E	STILLWATER